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10/019,902	07/02/2002	Nikolai Vladimirovich Bovin	9286-7	7167
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PO BOX 37428			FONDA, KATHI	FEN KAHI ER
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Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicant(s) BOVIN ET AL. Examiner Kathleen Kahler Fonds, Ph.D. 1623 Examiner 162							
## Examiner Kathleen Kahler Fonda, Ph.D. 1923 ## The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period f r Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Expensions of time may be available under the provisions of 37 CPR 1.136(a). In no event, however, may a reply be timely filed If the pariod for may specified above, the analysms attacking period will apply and will egips SX (S) MONTH-5 min the mailing data of this communication from the period attacking period will apply and will egips SX (S) MONTH-5 min the mailing data of this communication. Period of the communication of the communication of the communication of the communication of the communication. Period of the communication of the communication of the communication of the communication of the communication. Period of the communication of the communication. Period of the communication o		Application No.	Applicant(s)				
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Art Unit: 1623

RESTRICTION

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, Applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-12, 14-16, 18, 20, 27, and 28, drawn to a compound wherein at least one R must be a ligand suitable for specific bonding to a receptor, a marker molecule, or a catalytically active group; aggregates thereof; a method of changing the structure of the aggregate; a method of preparing a drug comprising the compound; and a method of treating disease by administering the compound.

Group II, claims 23, 25, and 26, drawn to a compound which lacks any R moieties as in Group I and instead has hydrogen in their place(s); a method of preparing a drug comprising the compound; and a method of treating disease by administering the compound.

Group III, claim 29, drawn to a method of preparing a diagnostic test which comprises providing a test reagent, preparing a compound as described in Group I, and comparing the test reagent to the compound.

The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons. The compounds of Group I and Group III differ from those of Group II because the compounds of Group I and Group III require a ligand suitable for specific bonding to a receptor, a marker molecule, or a catalytically active group, while those of Group II do not. There is no recognition in the art that compounds of Group I and Group III on one hand

Art Unit: 1623

and compounds of Group II on the other would be expected to have the same utility. Thus Group II does not have a corresponding special technical feature with Groups I and III. Group III, while requiring the same compound as Group I, also requires a test reagent which is a distinct feature. Furthermore, Group I includes claims drawn to a method of treatment using the compound, and Group III recites a distinct method of preparing a diagnostic test which uses the same compound. Unity of invention is not recognized between more than one method of using the same compound; see Annex B, Part 1, section (e) of the Administrative

Instructions Under the PCT, available beginning at the bottom of page AI-63 of the February 2003 edition, revision 1, of the MPEP. Thus Group I does not have a corresponding special technical feature with Group III.

ELECTION OF SPECIES

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Species A mono- or oligosaccharides

Species B peptides

Species C mono- or oligonucleotides

Species D nucleic bases

Art Unit: 1623

Regardless of which of Groups I-III is elected, Applicant is further required, in reply to this action, to elect a single species from among Species A-D above to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, Applicant must indicate which are readable upon the elected species. MPEP § 809.02(a):

The claims are deemed to correspond to the species listed above in the following manner. Claims 1-6, 9-12, 14-16, 18, 20, 23, and 25-29 are generic. Claims 7 and 8 are subgeneric. No claim is limited to a species.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons. Neither the compounds of Groups I and III, nor the compounds of Group II, have a significant structural element which is shared by all of the alternatives. See Annex B, Part 1, section (f), entitled "Markush Practice," of the Administrative Instructions Under the PCT, available

Art Unit: 1623

beginning on page AI-64 of the February 2003 edition, revision 1, of the MPEP.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Papers relating to this application may be submitted to Technology

Center 1600 by facsimile transmission. The number of the fax machine for official papers in Technology Center 1600 is (703) 308-4556. Any document submitted by facsimile transmission will be considered an official communication unless the cover sheet clearly indicates that it is an informal communication.

INTERNET INFORMATION: Secure and confidential access to patent application status information is now available; see http://www.uspto.gov/ebc/index.html for more information. Also, http://www.uspto.gov/web/offices/ac/comp/fin/clonedefault.htm may be used to pay patent maintenance fees, pay non-filing application fees, and maintain USPTO deposit accounts.

Application/Control Number: 10/019,902

Art Unit: 1623

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kathleen Kahler Fonda, at telephone number (703) 308-1620. Examiner Fonda can generally be reached Monday through Friday from 7:30 a.m. until 4:00 p.m. If the Examiner cannot be reached, questions may be addressed to Supervisory Patent Examiner James O. Wilson at (703) 308-4624. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-1235.

Kathleen Kahler Fonda, Ph.D., J.D.

Page 6

Primary Examiner Art Unit 1623